

EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT (EPCRA)22-3-A. Administrative Enforcement Actions

1. AUTHORITY. To take any administrative enforcement action under the Emergency Planning and Community Right-to-Know Act (EPCRA) including, but not limited to: designating representatives of the Administrator to conduct inspections, and issuing compliance orders, complaints or other notices, and subpoenas.

2. TO WHOM DELEGATED.

a. All enforcement action authorities relating to Sections 302, 303, 304, 311, 312, 322, and 323 of EPCRA are delegated to Director, Hazardous Site Cleanup Division (HSCD); Associate Division Director, Office of Enforcement, HSCD; and Director, Office of Enforcement, Compliance, and Environmental Justice (OECEJ).

b. All enforcement action authorities relating to Sections 313, 322, 323 of EPCRA are delegated to Director, Land and Chemicals Division (LCD); Associate Director, Office of Toxics and Pesticides, LCD; Director, OECEJ; and Chief, Enforcement and Compliance Assistance Branch, OECEJ.

c. Authority to conduct inspections and to issue Notices of Noncompliance (NONs) for Section 313 are delegated to the Associate Director, Office of Toxics and Pesticides, LCD; Chief, Toxic Programs Branch, LCD; Director, OECEJ; and Chief, Enforcement and Compliance Assistance Branch, OECEJ.

d. Authority for Notices of Noncompliance (NONs) for violations of Sections 302, 303, 304, 311, 312, 322, and 323 are delegated to the Director, HSCD; Associate Division Director, Office of Enforcement, HSCD; Director, OECEJ; and Chief, Enforcement and Compliance Assistance Branch, OECEJ.

3. LIMITATIONS.

a. The delegates must consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee, before exercising this authority, unless such consultation is waived by memorandum.

b. The delegates must obtain the concurrence of, or concurrence waiver from, the Regional Counsel or his/her designee before exercising this authority.

c. The Director OECEJ may exercise this authority only in multi-media cases.

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d. The Director OECEJ must consult with the LCD and/or HSCD designees before exercising this authority.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. EPCRA Section 325.

b. The Assistant Administrator for Enforcement and Compliance Assurance may exercise this authority, and must notify the appropriate Regional Administrator and the Assistant Administrator for Prevention, Pesticides and Toxic Substances or designee when exercising this authority.

6. SUPERSESSION. Delegations Manual, EPCRA, Regional Delegation 22-3. Administrative Enforcement Actions, 1200 TN RIII-149 (February 27, 2003).

Date 9/1/05

/s/ James W. Newsom for  
Donald S. Welsh  
Regional Administrator